

## **REMARKS**

This communication is a full and timely response to the final Office Action dated April 30, 2008. Claims 1-5 and 7-25 remain pending. Claims 6 and 26-28 were previously cancelled. By this communication, claims 1-5 and 7-25 are amended.

### **Request For Examiner Interview**

A Request for Continued Examination is respectfully requested. In addition, Applicants respectfully request an Examiner Interview.

### **Claim Objections**

Claims 1-2, 3, 5, 7-8, 10-12, and 19-20 are objected to for various informalities. These informalities have been addressed in the foregoing amendments to these claims. Accordingly, withdrawal of these objections is respectfully requested.

### **Claim Rejection Under 35 U.S.C. § 112**

Claims 1-5 and 7-25 are rejected under 35 U.S.C. §112, second paragraph, for being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the claims are rejected for allegedly being vague and indefinite, having insufficient antecedent basis, for omitting essential steps, and for omitting essential structural cooperative relationships of elements. Applicants have addressed all of these issues in the foregoing amendments to these claims. Accordingly, withdrawal of this rejection is respectfully requested.

**Rejections Under 35 U.S.C. § 103**

**Claims 1-3 - Gallagher/Adam**

Claims 1-3 are rejected under 35 U.S.C. §103(a) for alleged unpatentability over *Gallagher et al.* (U.S. Patent Publication No. 2004/0111367, hereinafter *Gallagher*) in view of *Adam et al.* (U.S. Patent Publication No. 2002/0181710, hereinafter *Adam*).

*Gallagher* discloses a system and method for executing online financial transactions between individuals or between individuals and entities such as banks, merchants, and other companies. In the communication network, client devices are coupled through the Internet to fund exchange servers and other servers. *Gallagher*, pg. 3, paragraph [0023]. Each client device may be a desktop personal computer, workstation, cellular telephone, personal digital assistant (PDA), laptop, or any other device capable of interfacing directly or indirectly with the Internet. *Id.*, pg. 3, paragraph [0024]. Each user accesses a fund exchange server to establish an online account, which is used to transfer funds to and from other entities' online accounts. *Id.*, Abstract.

In general, an "online account" is an online stored value account representing an amount of funds held on the user's behalf at an affiliate bank or other financial institution. *Id.*, pg. 4, paragraph [0028]. A database is provided for storing account information and data as is well known. To fund an account, the user must provide credit card information (e.g., credit card number, expiration data, and etc.) sufficient to effect a transfer of funds from a credit card account to the financial institution holding the user's actual funded account. *Id.* As illustrated in Figure 1 of *Gallagher*, each financial institution can be represented as one of servers 50 and a credit card company can be represented as another one of servers 50. *Id.* A connection may

also be established between fund exchange server 20 and credit card server/financial institution 50. *Id.* When a transaction has been completed, transaction information is communicated from fund exchange server 20 to the financial institution server 50, and the user's actual account is credited or debited accordingly. *Id.*

As discussed above, in *Gallagher*, the transactions occur in a data network, such as the Internet, using client devices such as personal computers or PDAs that are connected to the Internet, and bank servers that are also connected to the Internet. In contrast, the present application provides financial transactions over a wireless telephony network, e.g., a cellular telephone network (See page 1 of the specification, for example, in which the description of the background of the present application make references to networks based upon the GSM and CDMA standards).

The transactions in *Gallagher* are not carried out through the existing infrastructure of a wireless telephony network. Although paragraph [0024] of *Gallagher* indicates that client devices could be cellular telephones or PDAs, it requires that they be "capable of interfacing directly or indirectly with the Internet." In other words, it is clear that these devices are being used in their capacity to connect to a data network. Conversely, in the present application, the client devices are mobile phones or PDAs, or other mobile telephonic communication devices, which connect to the wireless telephone network and are identified by the telecom operator who runs the service. There is no need for the client devices to connect to the Internet or to other data networks such as those cited at the end of paragraph [0024] of *Gallagher* (where no telecommunication network protocol is mentioned).

Further, unlike *Gallagher*, the present application does not require the use of financial institution accounts (e.g., bank accounts), as a primary purpose is to carry out financial transactions between accounts managed by the wireless phone companies via wireless phone accounts. In this case, no bank accounts, credit cards, or other financial institution accounts are necessary.

Accordingly, *Gallagher* does not disclose "a method for executing financial transactions ***through a wireless telephony network***, the method comprising: sending a ***payment from a payer's mobile telephony communication device via said wireless telephony network to a transaction processing platform connected to said wireless telephony network***; crediting said payment to an account of a payee; and sending a request for approval of said payment from said transaction processing platform via said wireless telephony network ***to a mobile telephony communication device of the payee*** when said payment to the payee is initiated by the payer" as recited in independent claim 1.

The Office acknowledges that *Gallagher* does not disclose executing the financial transactions via a wireless telephony network. However, the Office cites *Adam* as teaching this feature and asserts that the combination would be obvious (*See Office Action*, pg. 5). Applicants respectfully disagree.

Though *Adam* teaches executing financial transactions via mobile phones in a wireless telephone network, these transactions do not involve transferring money from one wireless phone account to another wireless phone account, as they still involve bank accounts (*See Adam*, Abstract and Figure 2, illustrating banks A and B). Again, in the present application, bank accounts, credit cards, or other financial institution accounts are not necessary.

Therefore, *Gallagher* or *Adam*, alone or in combination, cannot render independent claim 1 obvious to one skilled in the art. Claims 2-3, dependent from independent claim 1, are patentable at least for the reasons stated above with respect to independent claim 1.

Accordingly, Applicants respectfully request that the rejection to claims 1-3 under 35 U.S.C. §103(a) be withdrawn.

**Claims 5, 7-8, 11, 13-19, 26, and 28 - Liu/Adam**

Claims 5, 7-8, 11, 13-19, 26, and 28 are rejected under 35 U.S.C. §103(a) for alleged unpatentability over *Liu et al.* (U.S. Patent Publication No. 2003/0101134, hereinafter *Liu*) in view of *Adam*.

*Liu* teaches a general method and system for transaction approval, outside of the specific context of direct payment transactions between mobile phones in a wireless telephone network. In *Liu*, the transaction approval is handled by a clearing agency or bank (*See Liu*, Figure 2, ref. 202), as opposed to being issued directly by the payee as in the present application. Accordingly, it is respectfully submitted that *Liu* likewise does not disclose the subject matter of the currently pending claims, since it also fails to disclose a system in which financial transactions are conducted without the use of financial institution accounts (e.g., bank accounts).

Accordingly, *Liu* does not disclose "a method for executing financial transactions ***through a wireless telephony network***, the method comprising: sending a payment ***from a mobile telephony communication device via said wireless telephony network to a transaction processing platform connected to said wireless telephony network***; crediting said payment to an account associated with a mobile telephony communication device of a subscriber of a financial

transaction service provided through said transaction processing platform;  
establishing by said subscriber at least one special list of financial transaction  
accounts associated with said account of said subscriber; and implementing at least  
one rule for handling payments associated with the subscriber's account that are  
processed through said transaction processing platform" as recited in independent  
claim 5, and as similarly recited in independent claim 19.

Further, *Adam* fails to remedy the deficiencies of *Liu*. As stated above,  
though *Adam* teaches executing financial transactions via mobile phones in a  
wireless telephone network, these transactions do not involve transferring money  
from one wireless phone account to another wireless phone account, as they still  
involve bank accounts (*See Adam*, Abstract and Figure 2, illustrating banks A and  
B). Again, in the present application, bank accounts, credit cards, or other financial  
institution accounts are not necessary.

Therefore, not only is the combination of *Liu* and *Adam* as suggested by the  
Office not obvious, but it would not yield the method and system as claimed in  
independent claims 5 and 19, and claims dependent therefrom.

Accordingly, Applicants respectfully request that the rejection to claims 5, 7-8,  
11, 13-19, 26, and 28 under 35 U.S.C. §103(a) be withdrawn.

**Claims 4, 9-10, 12, and 20-25 - Gallagher/Liu/Adam/Other Secondary  
References**

Claims 4, 9-10, 12, and 20-25 stand rejected under 35 U.S.C. §103(a) for  
alleged unpatentability over *Gallagher* in view of *Liu* and *Adam*, and further in view of  
other secondary references. The list of secondary references include, for example,  
*Grunbok, Jr. et al.* (U.S. Patent No. 6,305,603); *Shore* (U.S. Patent Publication No.

2003/149662); *Hawkes* (Designing Secure Systems, IEE Colloquium on); and *Um* (WO 03/023674). Applicants respectfully traverse these rejections.

As discussed above, *Gallagher*, *Liu*, or *Adam*, alone or in combination, fails to disclose or suggest all of the features as recited in claims 1, 5, and 19, the independent claims from which the rejected claims depend. Further, none of the secondary references cited by the Office is purported by the Office to overcome the noted deficiencies of *Gallagher*, *Liu*, and *Adam*. Thus, it is respectfully requested that the rejection to claims 4, 9-10, 12, and 20-25 under 35 U.S.C. §103(a) be withdrawn.

### **Conclusion**

Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-5 and 7-25 are allowable, and that this application is in condition for allowance. Accordingly, Applicants request a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicants request that the undersigned attorney be contacted at the number below.

Respectfully submitted,

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